

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

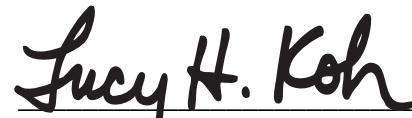
11 THOMAS M. SEARS,) Case No.: 5:11-cv-01876-LHK
12 Plaintiff,)
13 v.) ORDER GRANTING *EX PARTE*
14 COUNTY OF MONTEREY and HOUSING) MOTION FOR RELIEF
15 AUTHORITY OF THE COUNTY OF)
16 MONTEREY, as California Government Entity)
17 Employers, MONTEREY COUNTY HOUSING)
18 AUTHORITY DEVELOPMENT)
19 CORPORATION, as a California Non-Profit)
Entity Employer, CSI HR GROUP, LLC, as a)
For Profit Entity, STARLA K. WARREN, as an)
Individual and Employee or Agent of Entity)
Defendants, and DOES 1-50,)
20)
21 Defendants.)

22 The Court concludes that Plaintiff's failure to timely file his Opposition to Defendant
23 Housing Authority of the County of Monterey's ("Defendant") Motion to Dismiss Plaintiff's
24 Second Amended Complaint ("Motion to Dismiss") was due to the excusable neglect of Plaintiff's
25 counsel. Accordingly, the Court GRANTS Plaintiff's request that his time to file his Opposition to
26 the Motion to Dismiss ("Opposition") be extended. Plaintiff is ordered to file his Opposition by
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1 September 28, 2012. Defendant is permitted to file a supplemental reply addressing Plaintiff's
2 Opposition by October 5, 2012.¹

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4 **IT IS SO ORDERED.**

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6 Dated: September 25, 2012
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LUCY H. KOH

United States District Court
For the Northern District of California

¹ The Court notes that neither Federal Rule of Civil Procedure 60 nor Local Rule 7-10 authorizes Plaintiff to move *ex parte* for an order extending Plaintiff's time to respond to a motion. In the future, Plaintiff should seek relief by filing a motion or a stipulation pursuant to Local Rule 6-3.